

RANDY SCOTT ZELIN, P.C.

RANDY SCOTT ZELIN  
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OF COUNSEL:  
PRYOR & MANDELUP, LLP

January 24, 2008

By ECF  
The Honorable Denny Chin  
United States District Judge  
Southern District of New York  
Daniel Patrick Moynihan  
United States Courthouse  
500 Pearl St.  
New York, New York 10007

Re: Stern v. Cosby, et al.  
07- CV- 8536 (DC)

Dear Judge Chin:

I represent Tom Bednarek, a non-party witness in this case. My client is scheduled to be deposed by plaintiff tomorrow, January 25, 2008.

To that end, enclosed please find a draft protective order sealing my client's deposition. Counsel for the parties do not object to the language in this Order, and have no objection to your Honor "so ordering" it.

Assuming your Honor approves of this protective order, may I please have it "so ordered" as soon as is practicable? The deposition is scheduled to commence at 9:30 tomorrow morning.

Thank you so much for your kind consideration of this important matter.

Respectfully submitted,

RANDY SCOTT ZELIN, P.C.

By:

RANDY SCOTT ZELIN

RSZ:nb

cc: all counsel by ECF.

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

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HOWARD K. STERN,

Plaintiff,

Case No. 1:07-CIV-8536 (DC)

-Against-

RITA COSBY and HACHETTE BOOK GROUP USA,  
INC. d/b/a GRAND CENTRAL PUBLISHING and  
JOHN OR JANE DOE,

Defendants.

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ORDER

This is an application by non-party witness Tom Bednarek ("Bednarek") for a protective order prohibiting the public disclosure of the transcript and video of his deposition scheduled by agreement of counsel for January 25, 2008. This deposition is being taken, in part, for purposes of discovery as allowed by the Court's November 6, 2007 Order Granting Expedited Discovery. Given the media attention devoted to the events discussed in that Order, Bednarek requests that his deposition be sealed to prevent inadvertent disclosure to the media and the public so as to avoid any undue annoyance and embarrassment that may be caused by such a disclosure.

Counsel for the parties do not object to the relief sought by Bednarek.

Accordingly, the Court has duly considered the relief requested by Bednarek. There being no objection by counsel for the parties to this action, and for good cause having been presented by Bednarek,

**IT IS HEREBY ORDERED that;**

- (1) Bednarek's application for a protective order is granted;
- (2) The parties and their attorneys and other agents, as well as Bednarek and his attorneys and other agents are hereby prohibited from releasing the video or

transcript of Bednarek's deposition or any excerpts or portions or copies thereof to the public absent further order of this Court;

- (3) Neither the parties nor Bednarek may disclose or release any excerpts from Bednarek's deposition transcripts or video – whether by attaching them to Court papers or filing them in any Court or otherwise – without the written permission of the Court;
- (4) The parties and their attorneys and other agents, as well as Bednarek and his attorneys and other agents, shall take all reasonable precautions to ensure that all copies, excerpts, portions of the video and transcript of Bednarek's deposition are maintained in such a manner as to preclude the possibility of inadvertent dissemination to the public, until such time as this Court may make a further order.

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Denny Chin, U.S.D.J.  
Dated: